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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,932	04/19/2001	Christine Ann Mueller	1154-01	8503

7590                    09/23/2002

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EXAMINER

SILBERMANN, JOANNE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	837932	Applicant(s)	Mueller
Examiner	Silbermann	Group Art Unit	3611

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on 7-30-02
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-18 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 2  Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed July 30, 2002 has been entered in part. The Appendix of Prior Claims has not been entered, since claims cannot be made part of the specification.

### ***Information Disclosure Statement***

1. The information disclosure statement filed May 16, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The non-patent literature documents were not received, and therefore have not been considered.

### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Drawings***

3. The drawings are objected to because framing unit 42 (page 8 line 8), eroded glass 160 (page 10 line 17) and rope light 236 (page 11 line 5) are not shown. Also, elements 34 and 134 are not identified. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.  
*still confusing*

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4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the void portion and the electrical light source emitter must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoniger et al. US #5027258.

7. Schoniger et al. teach a lighting system including 16 having void portion 14, electrical light source emitter 15 in the void (as best as the claims can be understood), transparent or translucent (a transparent member is also considered to be translucent) glass member 10 (acrylic glass, as described in column 4 line 13); and opaque member 19. Light source emitter 15 contacts panel 10 as in Figure 4. The transparent/translucent panel is held in the void (see all Figures). Frame 16 is considered to be a picture frame or a window frame. The glass member partially retains the light source within the void.

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8. Schoniger does not teach the opaque panel as being glass, however, according to Applicant's specification any opaque material may be used. (Additionally, Applicant's specification does not describe the panel as being glass.) Therefore, it would have been obvious to a person having ordinary skill in the art to utilize opaque glass to form this member, since any opaque material may be used.

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9. Regarding claim 2, Schoniger et al. teach milling to create symbols. The method by which symbols are "eroded" or etched into the panel is not germane to the issue of patentability of the device itself.

*would  
have  
been  
obvious*

10. Regarding claim 3, the light source extends around the void.

11. Regarding claim 7, Schoniger teaches coatings (column 4 line 30) for applying the symbols.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoniger et al. as applied to claim 1 above, and further in view of Torrence, US #4922384.

13. Schoniger et al. do not teach a rope of lights for illumination, however, this is well known in the art. Torrence teaches a lighting system including rope light 45. It would have been obvious to a person having ordinary skill in the art to utilize such a rope light in the device of Schoniger et al. to provide illumination that is easy to use so that illumination can be provided around the display as desired.

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***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 6185883, 2727327, 5657563, 4918578, 5265357 and 4922384 are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2186.

  
Joanne Silbermann  
Primary Examiner  
Art Unit 3611

js

September 18, 2002